IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.2860 OF 2006

Arun Pergu Shetty ...Appellant

vs.

The Maharashtra Housing and
Area Development Authority ...Respondent

Mr.A.A.Jadhav for the Appellant
Mr.A.R.Patil,A.G.P. for State

CORAM: A.S.OKA,J.
DATE : FEBRUARY 6,2007.

P.C.:

1. The learned Advocate for the Appellant seeks permission to withdraw this Appeal with liberty to make an appropriate representation to the Respondent for regularisation of possession over the suit premises and/or for allotment of any other suitable accommodation. The Advocate for the Appellant prays that considering the fact that the Appellant is residing in the suit premises along with his family members, time to vacate may be granted. An undertaking of the Appellant is taken on record and marked 'X' for identification. The Statements made in the undertaking are accepted. The arrears of compensation equivalent to the rent shall be deposited by the Appellant with the concerned authority of the Respondent-Corporation within a period of three months from today.

2. Hence, I pass the following order :

i) Appeal is dismissed as withdrawn with liberty to make appropriate representation to the concerned authority of the Respondent.

ii) Notwithstanding the dismissal of the Appeal, time is granted to the Appellant to vacate the suit premises till 5th February 2008. If the Appellant fails to vacate the suit premises within stipulated time, without prejudice to other remedies available to the Respondents, they will be free to take possession of the suit premises.

iii) No order as to costs.

JUDGE